

Appl. No. : 10/765,573  
Filed : January 27, 2004

#### REMARKS

Reconsideration of the present application is respectfully requested in view of the preceding amendments and the following comments.

##### Drawing Objections

The Examiner objected to the drawings as not showing "the ventilation passage, including the first portion of the ventilation passage connecting the inlet to the outlet of the intake passage and the second portion of the ventilation passage connecting the second inlet to the first portion of the ventilation passage." The Examiner also objected that the drawings did not show the overflow passage. Applicant respectfully disagrees.

To address the second concern first, element 115, identified in Figure 2, is clearly described in paragraph [0056] as "an oil overflow tube" that connects the cylinder head with the reservoir. Reconsideration and withdrawal of this objection are respectfully requested.

With respect to the first concern, Applicant submits that limitations in question also are clearly shown in Figure 2. The limitations include: (1) the ventilation passage, which has (2) a first portion and (3) a second portion; (4) the first portion connecting the ventilation system inlet to the ventilation system outlet; and (5) the second portion connecting the second ventilation system inlet to the first portion. The language reciting "to the outlet of the intake passage" has been corrected to merely read "to the outlet" by amendment to correct a typographical error. As described in paragraph [0058], the ventilation passage is defined by the series of conduits in the illustrated embodiment. The illustrated passage has a first portion, which includes the first breather tube 116, the third breather tube 122 and the discharge passage 140. In the illustrated embodiment, these three tubes connect the ventilation system inlet that communicates with the crankcase to the ventilation system outlet that communicates with the induction system. The illustrated passage also has a second portion, which includes the second breather tube 118 that extends from the reservoir to the first portion. Thus, the drawings, in particular Figure 2, clearly show the features identified by the Examiner. Reconsideration and withdrawal of the objection are respectfully requested.

##### Claim Objections

The Examiner objected to the claims and requested that adjectives be used to clarify the inlets and the outlets, as such amendments would improve the readability of the claims.

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Applicant has made the requested amendments, but Applicant points out that these amendments do not narrow the claims and that these amendments only address matters of form requested by the Examiner. Reconsideration and withdrawal of the objections are respectfully requested.

Claims 13-20 and 24-31 Are Patentable Over Nanami

The Examiner has rejected Claims 13-20 and 24-31 as unpatentable over Nanami. Applicant disagrees that every limitation of the claims is taught or suggested by a construction of Nanami that is consistent with its teachings.

The Examiner has reduced the crankcase ventilation system of Nanami to only its oil separation chamber 89. In the explanation of the rejection, the Examiner specifically identifies the ventilation system inlet as the inlet 88 of the oil separation chamber 89 and the ventilation system outlet as the outlet 92 of the oil separation chamber 89. Moreover, in the Response to Arguments, the Examiner states that "Applicant has defined the inlet and outlet of the reference such that the inlet and outlet do not read on amended claim 13, but it would be just as appropriate to define the inlet and outlet of the ventilation passage (i.e., oil separator 89) such that the limitations of the amended Claim 13 are met."

The Examiner's construction, however, is contrary to the teachings of the prior art reference. At Col. 6, lines 33-39, Nanami specifically states: "It should be noted that the inlet 86 for the crankcase ventilating system 85 is disposed at a height 'a', which is substantially greater than the height 'b' of the outlet 95 at a distance indicated at 'd.' Thus, even when the watercraft may be inclined as when turning sharply, the outlet of the crankcase ventilating system 95 [sic] will always be below the inlet 86." The Applicant has not defined the inlet and outlet of the prior art; the prior art has defined the inlet and the outlet. The Examiner's position is not founded in the prior art but stretches the meaning of the terms as used in this application and in the prior art as well.

Claim 13 recites, among other limitations, the ventilation system inlet being positioned lower than the ventilation system outlet. As explained previously and directly above, such a construction is not taught by Nanami.

Claim 24 recites, among other limitations, that the ventilating system outlet communicates with the intake passage upstream of the throttle valve and downstream of the upstream end of the induction system inlet duct. As described in the specification at paragraph

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[0040], the inlet ducts are connected to the top end of each of the throttle bodies 84. Applicant has specifically defined the term "inlet ducts" as the sections of the induction system that deliver air from the illustrated plenum chamber to the combustion chambers by way of the throttle bodies. Such a location of the ventilating system outlet is advantageous in that the location is in a high velocity flow as compared to the plenum chamber flow rate, which improves the flow through the ventilating system. Moreover, as described in paragraphs [0007] and [0008], such a placement reduces the likelihood of the oil-containing mist from the crankcase ventilating system contacting the filter element. Nanami did not teach or suggest such a configuration. As such, there is no proper basis for an obviousness rejection.

Claims 14 and 25 recite, among other limitations, that the ventilation system outlet directly communicates with the induction inlet duct. Nanami, if construed in the manner urged by the Examiner, clearly does not meet this limitation and, if construed in the manner urged by the Applicant, still does not meet this limitation because Namami's system has an outlet that communicates directly with the plenum chamber.

Claims 15 and 26 recite, among other limitations, that the ventilation system outlet is disposed on a side of the intake passage opposite the air filter (see Figure 3). The Examiner provides no teaching of a crankcase ventilation system outlet that is disposed on a side of the intake passage opposite the air filter. Breadth is not a proper basis for rejecting a claim unless the breadth results in the claim reading upon an applied reference. No such reference has been presented and Nanami does not render this claim unpatentable.

Claims 16 and 27 recite, among other limitations, that the at least one throttle body is disposed within the plenum chamber. Again, Nanami does not disclose, teach or even suggest such a construction. The prior art must provide a teaching or suggestion of the rejected claim limitations. Without the prior art providing such a teaching or suggestion, there is no proper basis for an obviousness rejection.

Claims 17 and 28 recite, among other limitations, a second ventilation system inlet that communicates with the oil reservoir, wherein the ventilation passage has a first portion that connects the ventilation system inlet and the ventilation system outlet and a second portion that connects the oil reservoir to the first portion. Nanami does not teach or suggest such a

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construction and the Examiner has not provided any prior art reference with a teaching of such a construction. Thus, there is no proper basis for an obviousness rejection.

Claims 18 and 29 recite, among other limitations, an overflow passage that connects the cylinder head of the engine to the reservoir. While the Examiner notes that oil flows from the separator of Nanami to the cylinder head and thence back to the reservoir in the crankcase, the Examiner has failed to identify an overflow passage connecting the cylinder head to the reservoir. The overflow passage is claimed as a separate passage from the ventilation system passage. Thus, the Examiner has not provided a proper basis for an obviousness rejection.

Claim 19 depends from Claim 13 and is patentable for at least the same reasons as Claim 13. Claim 30 depends from Claim 24 and is patentable for at least the same reasons as Claim 24.

Claims 20 and 31 recite, among other limitations, that the oil separation chamber is in the plenum chamber. The Examiner has not provided any reference teaching such a construction. Accordingly, there is no proper basis for an obviousness rejection.

As explained above, each of the claims is patentably distinct from Nanami and no proper basis exists for rejecting any of these claim as obvious over Nanami. Reconsideration and allowance of the claims are respectfully requested.

#### New Claims 32 and 33

New Claims 32 and 33 have been added to particularly point out and claim an additional distinction over Nanami. In particular, the ventilation system outlet is positioned between a funnel portion of the inlet duct and the at least one throttle body. As mentioned above, such a location results in an increased negative pressure at the outlet of the ventilation system, which acts to draw the blow-by gases through the crankcase ventilation system. Because the air flow rate is so much greater in the inlet duct than in the plenum chamber, the negative pressure at the outlet of the ventilation system is greater and better operation of the ventilation system is achieved.

#### CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. For the reasons expressed above, Applicant submits that the present application is in condition for allowance. If any unresolved issues remain, the Examiner is expressly requested to contact the undersigned at (949) 721-6359

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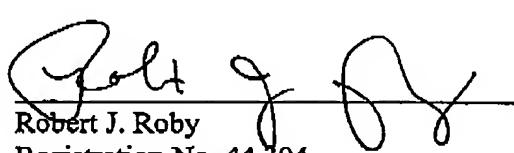
so that this application can be passed to allowance as quickly as possible. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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